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Notice of Allowability

Application No.

10/650,134

Examiner

Sean E. Conley

Applicant(s)

HE ET AL.

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/16/2007.
2. ☒ The allowed claim(s) is/are 1-3 and 5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


GLADYS J.P. CORCORAN
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Damon Boyd on March 1, 2007.

The application has been amended as follows:

1. (Amended) A vapor-dispensing device comprising:

a container containing at least two volatizable materials;

a first volatizable material contained in said container;

a second volatizable material contained in said container and separately contained from said first volatizable material; and

a common delivery system comprising a transfer mechanism and an evaporation region, said transfer mechanism comprising a first wick structure in liquid communication with said first volatizable material and a second wick structure in liquid communication with said second volatizable material, said evaporation region comprising a pad in liquid communication with said first wick

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structure and said second wick structure, wherein said evaporation region is configured to facilitate evaporation of said first volatizable material and said second volatizable material into an environment; and

a controller configured to modulate the amounts of said first and second volatizable materials available to said first wick structure and said second wick structure.

5. (Amended) The vapor-dispensing device of claim 1 [[4]], wherein said transfer mechanism is physically attached to said delivery system.

Response to Arguments

2. Applicant's arguments, see pages 3-4, filed January 16, 2007, with respect to the rejection of claims 1-3 and 5 have been fully considered and are persuasive. The rejections of claims 1-3 and 5 have been withdrawn.

Allowable Subject Matter

3. Claims 1-3 and 5 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art of record, alone or in combination, fail to teach or fairly suggest a vapor dispensing device with an evaporation region comprising a pad in liquid communication with a first wick structure and a second wick structure wherein the first wick structure is in liquid

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communication with a first vaporizable material and the second wick structure in liquid communication with a second vaporizable material. The closest prior art to the applicant's claimed invention is Viera (U.S. Patent No. 6,563,091 B2) and O'Neil (U.S. Patent No. 4,739,928). However, as argued by the applicant, neither of these references teach or suggest an evaporation region comprising a pad in liquid communication with a first wick structure and a second wick structure wherein the first wick structure is in liquid communication with a first vaporizable material and the second wick structure in liquid communication with a second vaporizable material

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 2, 2007



GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER